UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA	)	**Magistrate No. 07-**
	)	**COMPLAINT FOR VIOLATIONS OF**
v.	)	**Title 21 U.S.C.§841 (a)(1) and 18 U.S.C. §2**
	)	
JUAN ACEVEDO	)	
JOSEPH GORTON	)	

COMPLAINT

The undersigned complainant, being duly sworn, states:

COUNT ONE

On about December 6, 2007, in the District of Maine and elsewhere,

JUAN ACEVEDO
JOSEPH GORTON

did knowingly and intentionally possess with intent to distribute 5 grams or more of a mixture or substance containing cocaine base, and did aid and abet such conduct.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2. It is further alleged that the penalty provisions of Title 21, United States Code, Section 841 (b)(1)(B) apply to the conduct described herein.

COUNT TWO

On about December 6, 2007, in the District of Maine and elsewhere,

JUAN ACEVEDO
JOSEPH GORTON

did knowingly and intentionally possess with intent to distribute a mixture or substance containing heroin, and did aid and abet such conduct.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2. It is further alleged that the penalty provisions of Title 21, United States Code, Section 841 (b)(1)(C) apply to the conduct described herein.

The complainant states that this complaint is based on the attached affidavit which is incorporated herein by reference.

Ernest W. MacVane III
Task Force Agent
United States Drug Enforcement Administration

SWORN AND SUBSCRIBED TO before me this 7th day of December 2007

David M. Cohen, United States Magistrate Judge

AFFIDAVIT OF ERNEST W. MACVANE III

I, Ernest W. MacVane III, am a Task Force Agent with the United States Drug Enforcement Administration (DEA) and I swear that the facts set forth below are true. I make this Affidavit in support of the issuance of a criminal complaint charging Juan Acevedo and Joseph Gorton with possession with intent to distribute 5 grams or more of a mixture or substance containing cocaine base (Count One) and possession with intent to distribute a mixture or substance containing heroin (Count Two), in violation of Title 21, United States Code, Section 841(a)(1). Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists that Juan Acevedo and Joseph Gorton committed the above-referenced offenses. In support thereof, I respectfully state the following:

1. On December 5, 2007, a cooperating defendant[1] (hereafter known as CD) told me that since approximately May 2007 until the present, CD had been obtaining approximately four (4) bundles of heroin from Jose in Haverhill, Massachusetts on a weekly basis. CD stated he also occasionally obtained ounce quantities of cocaine from Jose. CD described the location where CD would meet Jose in Massachusetts. Based upon the description of this location, members of the Lawrence, Massachusetts Police Department stated that the address described was in fact a

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[1]The cooperating defendant is cooperating in hopes that his/her cooperation will be taken into consideration by the State and/or sentencing judge relating to pending state charges for unlawful possession of cocaine. No promises have been made to the cooperating defendant regarding whether he/she will receive any benefit as a result of his/her cooperation. The cooperating defendant has several prior convictions including convictions for aggravated assault and possession of scheduled drugs.

multi-unit dwelling with an address of 157 Arlington Street, Lawrence, Massachusetts. During surveillance of that location on December 6, 2007, agents observed a vehicle parked in the driveway of this dwelling. According to Massachusetts Department of Motor Vehicle records, the vehicle observed was registered to Jose Reynoso , with an address of 157 Arlington Street, Lawrence, Massachusetts. I showed CD an array of six photographs, one of which was the photograph of Jose Reynoso obtained from the Massachusetts Department of Motor Vehicles, and CD identified that photograph as the individual he knew as Jose.

2. On December 5 and 6, 2007, CD participated in a series of telephone calls with an individual identified by CD as Jose. All calls between CD and Jose were monitored by myself and recorded. During these calls, CD arranged to purchase a quantity of cocaine base and heroin from Jose. During these calls, in substance, the CD and Jose discuss Jose supplying ounces of "cooked" and the CD paying $800.00 per ounce. They also discuss CD purchasing six fingers of the "brown" at a cost of $600.00 per finger from Jose. During one of these calls, CD and Jose discuss where the transaction can occur and CD mentions a location in Maine where CD previously met Juan.

Following this call, CD stated that Juan was Jose's stepson and that Juan previously assisted Jose by delivering drugs and picking up payment from CD on numerous occasions.

3. Following this call, CD also has a series of telephone calls with an individual CD identified as Juan. In substance, during these calls, CD and Juan discuss that Juan would arrange for a ride from a friend so that Juan could travel to Maine with drugs that Juan would receive from Jose. CD and Juan also discussed that CD would give Juan a Glock .40 cal. pistol for making the trip to Maine.

4. During one of the calls with Jose, Jose expressed concern over supplying such a large quantity of drugs so CD and Jose agreed that a smaller amount of drugs would be delivered.

5. In the last call with Jose, Jose, in substance, informed CD that Juan is on his way and that Jose has given Juan 21 grams of hard and a finger. They discussed that CD would pay $7,000.00, some of which would be payment for the delivery and some of which would be prepayment for the remainder of the larger order previously discussed.

6. Subsequent to this call, law enforcement personnel were doing surveillance of 157 Arlington Street and they observed a black Mazda 6 passenger vehicle with only a driver arrive at that location. They then observed a male exit the dwelling, place a bag in the trunk and then get in the car. Agents then followed this vehicle from Lawrence to the prearranged meeting location in Maine.

7. At approximately 8:40 p.m. on December 6, 2007, I observed a black Mazda 6 passenger vehicle arrive at the prearranged meeting area in Biddeford, Maine. Moments later, officers and agents moved in on this vehicle. At this time, the vehicle contained two male occupants who were removed from the vehicle and taken into custody. The driver was identified subsequently as Joseph Gorton and the passenger was identified subsequently as Juan Acevedo.

8. A search of the vehicle's trunk resulted in the recovery of a white plastic bag; located inside the bag were two separate packages. One package contained a brown powder appearing to be heroin. The other package contained an off- white chunky substance appearing to to be cocaine base. TFA Thomas Lapierre performed a field-test on a representative portion of the suspected heroin and cocaine base, resulting in positive reading for the presence of heroin and cocaine respectively. The cocaine base substance was weighed by TFA Lapierre, resulting in a

net weight of approximately 21 grams. The heroin was weighed by TFA Lapierre, resulting in a net weight of approximately 10 grams.

9. I administered the Miranda warning to Joseph Gorton and received his written waiver of said rights and he indicated he wished to answer questions. In substance, Gorton stated that he was asked by Juan to give Juan a ride to Maine for the purpose of Juan delivering crack. Gorton stated he picked up Juan at 157 Arlington Road and that Juan put something in the trunk of his car. Juan then told Gorton that the package he placed in the trunk contained cocaine. Gorton then drove Juan to Maine where he was apprehended.

10. I administered the Miranda warning to Juan Acevedo and received his written waiver of said rights and he indicated he wished to answer questions. I then interviewed Acevedo who stated, in substance, that on December 6, 2007 he had received cocaine and heroin from his stepfather Jose to bring to Maine and that he had arranged for a ride from Gorton. Acevedo admitted to putting the drugs in the trunk of Gorton's vehicle.

11. Based on the facts set forth above, I respectfully request that the Court issue a criminal complaint charging Juan Acevedo and Joseph Gorton Possession with intent to distribute 5 grams or more of a mixture or substance containing cocaine base and possession with intent to distribute a mixture or substance containing heroin, in violation of Title 21, United States Code, Section 841(a)(1).

Ernest W. MacVane III
Task Force Agent
United States Drug Enforcement Administration

Sworn to before me and subscribed in my presence this 7th day of December 2007.

David M. Cohen
United States Magistrate Judge